

REMARKS

Applicant appreciates the Examiner's review of the present application and requests reconsideration in view of the preceding amendments and the following remarks. This is a complete response to the outstanding Office Action mailed on February 12, 2009. Claims 1-9 and 11-21 were previously pending in this application. Claims 4, 11-13, 15, 19 and 21 have been cancelled. Claims 1-3, 5-7, 9, 14 and 16-18 have been amended. As a result, claims 1-3, 5-9, 14, 16-18 and 20 are pending for examination with claims 1, 7 and 14 being independent claims. No new matter has been added.

Drawings

Examiner objected to the drawings under 37 CFR 1.83(a) because they failed to show "heated elements" as described in the specification. Specifically, Applicant uses the term "heated elements" in claims 9 and 18. Applicant has amended claims 9 and 18 to remove "heated elements" and to insert "a heat source" as disclosed in the specification in at least paragraph [0013] and as identified in Figure 1 as reference character 16. Applicant respectfully requests reconsideration and withdrawal of the drawing objection.

35 USC §103

The Examiner has rejected claims 1-3, 7, 8, 11, 12 and 21 under 35 USC 103(a) as being unpatentable over Bull (US Patent No. 5,136,295, hereinafter "Bull") in view of Carlson (US Patent No. 6,683,555, hereinafter "Carlson") and Czarnecki (US Patent No. 6,267,039, hereinafter "Czarnecki"). Applicant respectfully traverses this rejection.

Amended claim 1 reads in part:

"powering the IR decoy by a laser source to produce a decoy infrared signature, wherein the produced laser source powered IR decoy infrared signature is of a magnitude greater than the infrared signature of said aircraft, and wherein said IR decoy infrared signature includes infrared energy in more than one spectral band"

"distributing the IR decoy infrared signature by means of a plurality of optical fibers of various lengths coupled to a plurality of small apertures within the IR decoy" and

"detecting an incoming infrared guided missile with a warning system, and responsive to said detecting, further including the act of masking an infrared signature of at least one

engine of the aircraft by causing a first amount of exhaust
obscurant to be added into an exhaust stream of said at least one
engine of the aircraft". Emphasis added.

Applicant asserts that this is no suggestion, teaching or
motivation in the combination of Bull, Carlson and Czarnecki that
"the produced laser source powered IR decoy infrared signature is
of a magnitude greater than the infrared signature of said
aircraft". Applicant also asserts that there is no suggestion,
teaching or motivation in the combination of Bull, Carlson and
Czarnecki to produce a decoy infrared signature to direct an
incoming guided infrared missile away from an aircraft infrared
signature and to the decoy infrared signature that utilizes the
combination of a laser source powered IR decoy infrared signature
and an aircraft engine obscurant system, where both systems are
responsive to the detection of the incoming infrared guided
missile from the warning system. As such, the combination of
Bull, Carlson and Czarnecki would not result in the claimed
invention. Applicant respectfully requests reconsideration and
withdrawal of the claim 103 rejections based on Bull, Carlson and
Czarnecki. Therefore, claim 1 should be allowed for at least the
above reasons.

The Applicant also respectfully submits that since claims 2, 3, 5 and 6 depend on independent claim 1, claims 2, 3, 5 and 6 contain all limitations of independent claim 1. Since independent claim 1 should be allowable, as argued herein, pending dependent claims 2, 3, 5 and 6 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

Applicant also submits that the above arguments are also applicable to independent claims 7 and 14. Therefore, independent claims 7 and 14 and the dependent claims that depend from them, should be allowed for at least the above reasons.

CONCLUSION

Applicant believes that all of the pending claims are now in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to Deposit Account Number 19-0130, under Docket Number BAE-20030073.

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Respectfully submitted,

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